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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/171,921	10/29/1998	HILARY LYNDSEY WILLIAMS	36-1288	8650

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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/171,921

Applicant(s)

WILLIAMS, HILARY LYNDASAY

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 and 77-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 77-79 is/are rejected.
- 7) ☒ Claim(s) 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Request for Reconsideration***

1. The request for reconsideration filed on 11/21/02 has been entered. Claims 32-76 and 80 are canceled and claims 1-31 and 77-79 are now pending.

***Claim Objections***

2. Claims 30 and 31 are objected to because of the following informalities:

The word "**comprising**" is missing after "**a portable computer**" in claim 30.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-29 and 77-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persidsky (6,130,666) in view of Metroka et al (5,754,645).

As per claims 1, 12-14, and 15, Persidsky teaches a portable pen computer with built-in display which is capable of collecting and recording data representative of handwritten strokes of the pen, and displaying such data in a display screen which is part of the pen, a pressure sensor that is included at the tip of the pen, a display having a plurality of lines to enable one of the multiplicity of pages to be displayed (see fig. 1), and a motion sensor which outputs signal

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describing the motion of the pen. These sensors are connected to a signal processing circuit, which includes an analog-to-digital converter to convert motion signals into digital code. A microprocessor or microcontroller interprets the digitized motion data, stores the processed data in a memory such as a chip storage device, directs such data to a built-in display such as an LCD, which can display images in real-time corresponding to the processed motion signals, as well as images stored in memory (see abstract). Persidsky does not teach a processing means providing a mode response selected from a multiplicity of stored possible modes Metroka et al teach a display 106 announced with a synthesized voice, or displayed and announced (see abstract and figure 1).

It would have been obvious to one of ordinary skilled in the art to utilize the different modes as taught by Metroka et al into the device of Persidsky because it would allow a user with disability to utilize the portable pen computer with no apparent difficulties.

As per claim 2, Persidsky teaches a detection means, which comprises at least one acceleration detection, means responsive to movement of the computer to produce the output electrical signal as claimed.

As per claim 3, Persidsky teaches a plurality of acceleration detection means to produce an electrical output signal representative to movement in respective directions.

As per claim 4, Persidsky teaches sensors which detect movement in the x and y directions as claimed.

As per claims 5 and 6, the movement detected by Persidsky device is capable of generating alphanumeric or graphical data and said alphanumeric or graphical data is stored in a data store since using a computer as claimed.

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As per claim 7, the pen-shaped input taught by Persidsky is connected to a processing device which receives the output of the alphanumeric or graphical data by the transmitting means.

As per claims 9-11, Persidsky do not explicitly teach scrolling of displayed information but Metroka et al teach a scroll menu using keys (see col. 1, lines 49-51).

It would have been obvious to one of ordinary skilled in the art to effect scrolling of displayed information as taught by Metroka et al into the device of Persidsky based on detected movement data, to have a relative tilting movement which causes the display information stores as to one or other side of the current display, a rolling movement which causes the display information stored as above or below the current display information for the same reasons given in claim 1.

As per claims 16-22, the examiner takes the Official notice that a portable device having a user's password, a sound input device, speech or other sound signals, a sound output in combination with a radio transceiver whereby cellular or radio telephony networks, radio transmission or infrared transmission means, transmission of coded signals including a message for display is well known in the art.

As per claims 23-29, it is also well known to have a processing means responsive to received encoded radio signals to activate a paging alert which comprises a tone, a operation of a vibrating means and that the portable computer houses in a casing shape to facilitate a user holding the computer as a writing stylus.

As per claim 77, Persidsky teaches a portable pen-shaped input which comprises a movement detection to produce an electrical output signal representative of such movement, a

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means for determining detected movement data defining a user's intention based on the initial inclination angle (see col. 5, lines 39-67 and col. 6, lines 1-44).

As per claim 78, Persidsky teaches a plurality of switch means adjacent to the display being oriented to match the orientation of the display screen as claimed (see fig. 1, 34, 36, 38, 32, 44).

As per claim 79, Persidsky does not explicitly teach a touch sensitive static potentiometer strip responsive to movement but it would have been obvious to one of ordinary skill in the art to utilize a touch sensitive potentiometer as claimed for the same reasons given in previous claims.

#### ***Allowable Subject Matter***

5. Claims 30 and 31 would be allowed if overcome claim objection.

None of the references either singularly or in combination teaches or even suggests:

A portable computer comprising:

wherein the casing includes angular shaping between a forward holding area adapted to rest in the user's fingers and rearward flattened area holding a display screen the shaping being such as to provide a natural viewing angle of the incorporated display screen while the casing is held as a writing stylus.

#### ***Response to Arguments***

6. Applicant's arguments filed on 11/21/02 have been fully considered but they are not persuasive.

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The response to arguments with respect to claims 30 and 31 are moot in view of the new indication of allowability of the claims based on the applicant's arguments. Further, applicant argues that the combination of Persidsky and Metroka fails to teach "...using said movement data to provide a mode response selected from a multiplicity of stored possible modes ...". Contrary to applicant's arguments, these limitations were addressed in the previous Office action and the rejection has met the prima facie case of obviousness. The arguments about claims 12 and 15 were also met in the previous action. Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *in re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *in re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Therefore, the rejection stands.

**8. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 305-308-6606, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,  
Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Ronald Laneau  
Examiner  
Art Unit: 2674

rl  
January 15, 2003